

ASSEMBLY BILL

No. 566

Introduced by Assembly Member Galgiani

February 16, 2011

An act to amend Sections 2711 and 2761 of the Public Resources Code, relating to resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 566, as introduced, Galgiani. Resources: surface mining.

The Surface Mining and Reclamation Act of 1975 prohibits a person from conducting surface mining operations without obtaining a permit from the lead agency for those operations, and submitting and receiving approval for a reclamation plan and financial assurances from the lead agency. The act makes certain findings and declarations regarding surface mining, including the finding that the extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society, among other things.

This bill would include additional legislative findings, including, among other things, that the state's mineral resources are vital, finite, and important natural resources and the responsible protection and development of these mineral resources is vital to a sustainable California.

The act requires, after the completion of each decennial census, at minimum, the Office of Planning and Research to identify certain areas of the state, including areas that are standard metropolitan areas.

This bill would also require the office to identify regions of the state that are required to prepare a sustainable communities strategy in order to reduce greenhouse gas emissions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2711 of the Public Resources Code is
2 amended to read:

3 2711. (a) The Legislature hereby finds and declares that the
4 extraction of minerals is essential to the continued economic
5 well-being of the state and to the needs of the society, and that the
6 reclamation of mined lands is necessary to prevent or minimize
7 adverse effects on the environment and to protect the public health
8 and safety.

9 (b) The Legislature further finds that the reclamation of mined
10 lands as provided in this chapter will permit the continued mining
11 of minerals and will provide for the protection and subsequent
12 beneficial use of the mined and reclaimed land.

13 (c) The Legislature further finds that surface mining takes place
14 in diverse areas where the geologic, topographic, climatic,
15 biological, and social conditions are significantly different and
16 that reclamation operations and the specifications therefor may
17 vary accordingly.

18 (d) *The Legislature further finds that the production and*
19 *development of mineral resources that help maintain a strong*
20 *economy and that are necessary to build the state's infrastructure*
21 *are vital to reducing transportation emissions that result from the*
22 *distribution of hundreds of millions of tons of construction*
23 *aggregates that are used annually in building and maintaining the*
24 *state.*

25 (e) *The Legislature further finds and recognizes the need of the*
26 *state to provide local governments, metropolitan planning*
27 *organizations, and other relevant planning agencies with the*
28 *information necessary to identify and protect mineral resources*
29 *within general plans and sustainable communities strategies.*

30 (f) *The Legislature further finds that the state's mineral*
31 *resources are vital, finite, and important natural resources and*
32 *the responsible protection and development of these mineral*
33 *resources is vital to a sustainable California.*

34 SEC. 2. Section 2761 of the Public Resources Code is amended
35 to read:

1 2761. (a) On or before January 1, 1977, and, ~~as at~~ a minimum,
2 after the completion of each decennial census, the Office of
3 Planning and Research shall identify portions of the following
4 areas within the state that are urbanized or are subject to urban
5 expansion or other irreversible land uses that would preclude
6 mineral extraction:

7 (1) Standard metropolitan statistical areas and other areas for
8 which information is readily available.

9 (2) *Regions of the state that are required, pursuant to Section*
10 *65080 of the Government Code, to prepare a sustainable*
11 *communities strategy in order to reduce greenhouse gas emissions.*

12 ~~(2)~~

13 (3) Other areas as may be requested by the board.

14 (b) In accordance with a time schedule, and based upon
15 guidelines adopted by the board, the State Geologist shall classify,
16 on the basis solely of geologic factors, and without regard to
17 existing land use and land ownership, the areas identified by the
18 Office of Planning and Research, any area for which classification
19 has been requested by a petition ~~which~~ *that* has been accepted by
20 the board, or any other areas as may be specified by the board, as
21 one of the following:

22 (1) An area that contains mineral deposits and is not of regional
23 or statewide significance.

24 (2) An area that contains mineral deposits and is of regional or
25 statewide significance.

26 (3) ~~Areas containing~~ *An area that contains* mineral deposits,
27 the significance of which requires further evaluation.

28 (c) The State Geologist shall require the petitioner to pay the
29 reasonable costs of classifying an area for which classification has
30 been requested by the petitioner.

31 (d) The State Geologist shall transmit the information to the
32 board for incorporation into the state policy and for transmittal to
33 lead agencies.